

### **REMARKS**

Claims 1-52 are all the claims presently pending in the application.

It is noted that Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 5-13 and 31-39 are allowed. Applicant gratefully acknowledges that claims 15, 26, 41, and 52 would be allowable if rewritten in independent form. However, Applicant believes that all of the claims are allowable.

Claims 1-4, 14, 16-25, 27-30, 40, and 42-51 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,134,245 to Scarmalis, further in view of “Generic Framing Procedure (GFP) Specification”, October 9-13, 2000, by Hernandez-Valencia (Ed.).

This rejection is respectfully traversed in the following discussion.

#### **I. THE CLAIMED INVENTION**

The claimed invention is directed to a GFP frame transfer apparatus for transferring a GFP (Generic Frame Procedure) frame over a GFP network. An FCS generation section generates, when the GFP frame is generated and sent by the GFP frame transfer apparatus, an FCS (Frame Check Sequence) using the payload field, without the payload header, of the GFP frame as the generation target area and adds this FCS to the FCS field of the GFP frame.

As explained beginning at line 13 on page 6, conventional methods update the payload header and recalculate the FCS. Although it is possible to perform monitoring in ring units using the FCS field, it is not possible to perform monitoring of the end-to-end path from the SONET node of Ingress to the SONET node of Egress.

The claimed invention, on the other hand, provides a method for performance monitoring of an end-to-end path using the FCS field of a GFP frame. It achieves this capability by generating an FCS using the payload of the GFP frame as the generation target area and adding this to the FCS field of the GFP frame.

#### **II. THE PRIOR ART REJECTION**

The Examiner alleges that Scarmalis, further in view of Hernandez-Valencia, renders obvious the claimed invention as defined by claims 1-4, 14, 16-25, 27-30, 40, and 42-51.

Applicant submits, however, that there are elements of the claimed invention which are neither taught nor suggested by Scarmalis, even if modified by Hernandez-Valencia.

The arguments of the previous amendment are not repeated hereinbelow, since, as best understood, these arguments are considered by Supervisory Examiner Rao as persuasive, as long as the claim language correctly reflects the arguments.

Although Applicant believes that the original claim language does indeed appropriately reflect that there is no payload header, Applicant has amended independent claims 1 and 27 in accordance with SPE Rao's helpful suggestion, in order to expedite prosecution.

Therefore, Applicants submit that there are elements of the claimed invention that are not taught or suggest by Scarmalis, even if modified by Hernandez-Valencia. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

Applicants again respectfully submit that the rejection currently of record fails to provide a reasonable motivation to modify the primary reference. Moreover, even if the primary reference were to be modified, the basic deficiency identified above for the primary reference would still not be overcome.

### **III. FORMAL MATTERS AND CONCLUSION**

In view of the foregoing, Applicant submits that claims 1-52, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

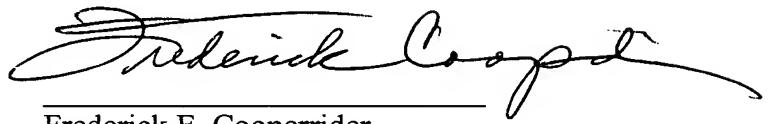
Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

Serial No. 10/022,594  
Docket No. 396290/00

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

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Frederick E. Cooperrider  
Registration No. 36,769

**McGinn Intellectual Property Law Group, PLLC**  
8321 Old Courthouse Road, Suite 200  
Vienna, VA 22182-3817  
(703) 761-4100  
**Customer No. 21254**